

By: Schofield

H.B. No. 237

A BILL TO BE ENTITLED

AN ACT

Relating to federal election practices and procedures.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 31.007, Election Code, is amended to read as follows:

Sec. 31.007. SUSPENSION OF PROVISIONS IMPLEMENTING FEDERAL LAW [~~NATIONAL VOTER REGISTRATION ACT~~]. (a) If under federal law, order, regulation, or other official action any provision of federal law regarding the registration of voters or conduct of elections, including but not limited to the National Voter Registration Act of 1993 or its successors is not required to be implemented or enforced in whole or in part, an affected state law or rule is suspended to the extent that the law or rule was enacted or adopted to implement that law [~~Act~~], and it is the intent of the legislature that the applicable law in effect immediately before the enactment or adoption be reinstated and continued in effect pending enactment of corrective state legislation.

(b) On a finding by the secretary of state that a suspension of a law or rule has occurred under Subsection (a), the secretary may modify applicable procedures as necessary to give effect to the suspension and to reinstatement of the procedures of the former law.

(c) The secretary of state may adopt rules to implement this section as necessary.

SECTION 2. Chapter 31, Election Code, is amended by adding Section 31.0075 to read as follows:

Sec. 31.0075. TEMPORARY MEASURES TO IMPLEMENT FEDERAL LAW. (a)
Pending enactment of conforming state legislation, the secretary of

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1 state shall by rule, after consulting with the chair and vice chair
2 of the standing committees of the senate and house of
3 representatives having jurisdiction over elections, adopt
4 procedures to conform with federal laws enacted regarding federal
5 elections in a manner which will not substantively modify the
6 procedures for voter registration for or conduct of elections other
7 than federal elections provided in this Code, except as provided by
8 this section.

9 (b) In compliance with Subsection (a), to the extent federal
10 law modifies the requirements or procedures in this Code for voter
11 registration in federal elections, the secretary of state shall by
12 rule, establish and maintain a federal election voter registration
13 system in compliance with federal law. Any person registered under
14 this system shall not be eligible to vote in any election other
15 than federal elections unless that person is qualified and
16 registered to vote under Title 2 of this Code. Any person seeking
17 to register to vote under the federal election voter registration
18 system provided for under this subsection shall be notified upon
19 registering to vote under this system that registration to vote in
20 federal elections does not qualify a person to vote in any other
21 election conducted in this state unless that person registers to
22 vote as provided by Title 2 of this Code. All persons registered to
23 vote as provided by Title 2 of this Code shall be automatically
24 registered to vote under the federal election voter registration
25 system provided for under this subsection. Any voter registration

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1 certificate issued or lists of registered voters produced under the
2 federal election voter registration system provided for under this
3 subsection shall be clearly marked "Valid for federal elections
4 only."

5 (c) In compliance with subsection (a), to the extent federal
6 law modifies the conduct of elections for federal office in a
7 manner which substantively conflicts with any provision in this
8 Code, notwithstanding any other provision in this Code, the
9 secretary of state shall by rule modify election procedures such
10 that federal and state elections can be held separately but
11 concurrently. The secretary in so doing shall minimize disruption
12 and voter confusion to the fullest extent feasible by sharing
13 polling locations, voting stations, and other similar measures.

14 SECTION 3. The changes in law made by this Act apply only to
15 an application to register to vote submitted on or after the
16 effective date of this Act.

17 SECTION 4. This Act takes effect on the 91st day after the
18 last day of the legislative session at which it is enacted.